

D/K

August 22,2008

Honorable Sandra J. Feuerstien  
100 Federal Plaza  
Central Islip ,NY, 11722

Re: Case Number: 07-CV-3864(SJF)(WDW)  
Rafael Cruz v. Town of Southampton

**PLAINTIFF OPPOSITION TO DISMISS**

Honorable Judge Sandra J. Feuerstein:

On July 31, 2008 The Court submitted an ORDER TO SHOW CAUSE for this case and to give reasons for why there has been no activity with this case. My attorney Scott Micheal Mishkin, PC will no longer represent me because he wants an additional \$10,000.00 dollars to continue with case and I can not afford that sum please give me an extension of time to find new legal representation. I believe my case should be given an opportunity to be heard because I have a cause to show, please do not dismiss case .

Thank you

Rafael Cruz

Plaintiff



Po Box Correo general

La Plata ,Puerto Rico 00786

Tel # 1787-205-1970

CC; Magistrate Judge William D. Wall

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RAFAEL CRUZ,

Plaintiff,

-against -

**ORDER TO SHOW CAUSE**  
**07-CV-3864 (SJF)**

THE TOWN OF SOUTHAMPTON, ET AL.,

Defendants.  
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**FEUERSTEIN, J.**

On December 28, 2007, Plaintiff Rafael Cruz ("Plaintiff") filed an Amended Complaint against all Defendants. (See doc. #2.) A review of the docket does not indicate service of the Amended Complaint or activity in the case after December 28, 2007. On July 15, 2008, the Court issued an Order directing the Plaintiff to advise the Court of the status of the case. (See doc. #3.) On July 30, 2008, Plaintiff's counsel filed a letter with the Court stating an inability to contact the Plaintiff. Therefore,

IT IS HEREBY ORDERED that, within thirty (30) days of the date of this Order, Plaintiff shall personally show cause why his case should not be dismissed for failure to prosecute. See Federal Rule of Civil Procedure 41(b). **PLAINTIFF'S FAILURE TO RESPOND TO THIS ORDER SHALL BE DEEMED A BASIS TO DISMISS THIS ACTION.**

Plaintiff's counsel is directed to serve a copy of this Order upon Plaintiff and file proof thereof.

**SO ORDERED.**

/s/ Sandra J. Feuerstein  
Sandra J. Feuerstein  
United States District Judge

DATED: Central Islip, New York  
July 31, 2008



**Scott Michael Mishkin, PC** ATTORNEY

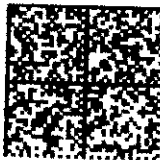
One Suffolk Square

Suite 240

Islandia, New York 11749



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Rafael Cruz  
P.O. Box Correo General  
LaPlata, Puerto Rico, 00786

Name \_\_\_\_\_  
1st Notice 8-15  
2nd Notice \_\_\_\_\_  
Return \_\_\_\_\_



**Scott Michael Mishkin, PC** ATTORNEYS AND COUNSELORS AT LAW

Scott Michael Mishkin, Esq.

One Suffolk Square  
Suite 240  
Islandia, New York 11749  
Tel. 631-234-1154  
Fax. 631-234-5048

***Via Certified Return Receipt requested U.S. Mail***

August 11, 2008

Rafael Cruz  
P.O. Box Correo General  
LaPlata, Puerto Rico, 00786

Thirty-Four Pantigo Road  
East Hampton, New York 11937  
Tel. 631-907-3009  
Fax. 631-324-3622

Re: CV-07-3864(SJF)(WDW)  
Cruz v. Town of Southampton, et al.

Dear Mr. Cruz:

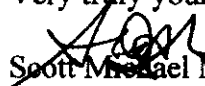
Enclosed please Judge Feuerstein's July 31, 2008, Order as for and in regard to your above referenced matter.

Pursuant to Judge Feuerstein's Order, within thirty (30) days of said Order, you must personally show cause why this case should not be dismissed for failure to prosecute.

As such, please immediately contact me upon your receipt this correspondence.

Your consideration is appreciated.

Very truly yours,

  
Scott Michael Mishkin  
Enclosure



Major A. Cruz  
Corro General  
La Plata P. R. 00186

Case # 07-CV-3864 (SJF X WDW)

Honorable Sandra Feinstein  
100 Federal Plaza  
Central Islip N.Y.  
11722